

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
ROBERT SELEVAN, ANNE RUBIN, :
DAVID TALARICO and SAMUEL TAUB, :
individually and on behalf of all others :
similarly situated, : Civil Action No. 06-cv-291 (GLS/DRH)
:
Plaintiffs, :
:
v. :
:
NEW YORK STATE THRUWAY :
AUTHORITY and JOHN L. BUONO, in his :
official capacity as Chief Executive Officer :
and Chairman of the New York State :
Thruway Authority, :
:
Defendants. :
-----X

To: Roger W. Kinsey, Esq.
Assistant Attorney General
Office of the Attorney General
The Capitol
Albany, NY 12224

PLEASE TAKE NOTICE that on March 17, 2011, or as soon thereafter as counsel may be heard, the undersigned counsel for Plaintiffs shall move before the Honorable Gary L. Sharpe, in the United States District Court for the Northern District of New York, located at the James T. Foley United States Courthouse, 445 Broadway, Room 441, Albany, New York 12207, for an order declaring that this action be maintained, pursuant to Federal Rule of Civil Procedure 23, as a class action on behalf of the following class and subclass:

All motorists ,who, since March 6, 2000 (the "Class Period"), paid a toll at the Grand Island Bridge for a motor vehicle classified by Defendants as "2L" with an electronic transponder issued by the E-ZPass New York Customer Service Center without the benefit of the resident discount that has been and is made available by Defendants for residents of Grand Island (the "Class"); and all New York resident motorists who, since March 6, 2000 (the "Sub-Class Period"), paid a toll at the Grand Island Bridge for a motor vehicle classified by Defendants as "2L" with an

electronic transponder issued by the E-ZPass New York Customer Service Center without the benefit of the resident discount that has been and is made available by Defendants for residents of Grand Island (the "Sub-Class"). Excluded from the Class and Sub-Class are Defendants and any and all of their respective affiliates, legal representatives, heirs, successors, employees, or assignees.

Plaintiffs further move for an order designating Plaintiffs as representatives of the class and subclass and designating the undersigned counsel as class counsel.

PLEASE TAKE FURTHER NOTICE that at the aforesaid time and place Plaintiffs shall rely on the accompanying Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Class Certification and the accompanying Declaration of Seth R. Lesser, Esq. in support of their motion. A proposed order accompanies this motion.

Dated: Rye Brook, New York
February 1, 2011

Respectfully submitted,

KLAFTER OLSEN & LESSER LLP

By: /s/ Seth R. Lesser
Seth R. Lesser
Fran L. Rudich
KLAFTER OLSEN & LESSER LLP
Two International Drive, Suite 350
Rye Brook, New York 10573
(914) 934-9200

-and-

Harley J. Schnall
LAW OFFICE OF HARLEY J. SCHNALL
711 West End Avenue
New York, New York 10025
(212) 678-6546

Attorneys for Plaintiffs